

Omit Pages 4/8 to 8/8 containing Figs. 16-32.

Change Fig. 33 therefore to Fig. 15; omit reference nos. "88-100"

MPEP § 809.02(a) Election of Species Required

The single disclosed species for the inventions consonant as illustrated by Figures 1-5, also known as elected Species I. New Claim 23 which substitutes for Claim 11 is generic to all the species, and all the claims are readable thereon.

REMARKS

Examination and consideration of the amendments submitted herein are respectfully requested in accordance with 37 CFR § 1.115.

Concerning Substance of Interview per 37 MPEP § 713.04

A telephonic interview on 08-JUN-2006 provided constructive assistance and suggestions by the Examiner in an effort towards allowance. The Examiner kindly suggested that the new claims 5-16 were still not distinguishing the invention over prior art, perhaps due to the broadness of the independent claims that only acknowledged a cup (70) comprising "a magnet (72) applied to a check (22)".

However, the changes herein better define the invention by now realizing the second required independent element, "projected surfaces (74) contiguous to the trigger (38) of the check (22)". The Examiner will kindly refer to Exhibit 1 to see a photograph of the actual cup (70).

Concerning the Substitute Specification per 37 CFR §1.125

The Applicant requests that the Examiner kindly accept the substitute specification submitted voluntarily for best defining the inventive magnet. The substitute has advantages over amending the

previous document because the number and nature of the amendments shall render it difficult for the Examiner to otherwise reconsider the case.

The marked-up copy includes all previous changes however now amended now by the substitute specification herein.

Concerning Amendments to the Specification

The amendments to the specification comprise a fuller description for the second required element “projected surfaces to control the trigger of the check”, which provides better antecedent basis for the claims. Admittedly, the Applicant did not entirely understand the importance of better distinguishing the second element until this late time.

Amendments towards prior art descriptions are included, namely for variable triggers of checks. In the original specification, the Applicant mistakenly suggested that a variable trigger such as comprising a curved surface was necessary for the magnetic invention. However, additional testing determined that the magnetic invention could operate even with only the trigger stub.

It is important to emphasize that the magnetic invention was never intended to be limited to a certain prior art check mechanism types.

“Please note that the magnet 72 might function with certain other prior two point checks 22....” (Original Spec: page 10, lines 315-316).

Amendments for the reference numbers concerning the “projected surfaces” are grouped to form better antecedent basis for the claims.

All amendments are supported by the original specification and drawings and absolutely comprise no new matter.

Concerning Amendments to the Claims

The amended claims rely entirely on the original disclosure filed March 9, 2004, and the substitute specification herein. These substituted claims combine embodiments of the original specification, drawings, and declarations as set forth below:

Claim 17 is an independent apparatus claim that substitutes for original claim 1 and claim 5.

Claim 18 is a dependent claim that substitutes for claim 6.

Claim 19 is a dependent claim that substitutes for claim 7.

Claim 20 is an independent method claim that substitutes for the original claim 2 and claim 8.

Claim 21 is a dependent claim that substitutes for claim 9.

Claim 22 is a dependent claim that substitutes for claim 10.

Claim 23 is an independent method claim that substitutes for the original claim 3 and claim 11.

Claim 24 is a dependent claim that substitutes for claim 12.

Claim 25 is a dependent claim that substitutes for claim 13.

Claim 26 is an independent method claim that substitutes for the original claim 4 and claim 14.

Claim 27 is a dependent claim that substitutes for claim 15.

Claim 28 is a dependent claim that substitutes for claim 16.

Concerning Divisional Applications under 35 USC § 121

The application is restricted to only one invention, "a magnetic means (10) adapted to a check mechanism (22) and projected surfaces (74) contiguous with the trigger means (38)". The invention is best illustrated by Species I, Figs. 1-5 and the generic Claim 23 substituting for Claim 11 wherein all the claims are readable thereon. Any other inventions may be subject to a divisional application by the requirements of section 120 of this title.

Concerning Different Inventions in One National Application per 35 CFR § 1.141

The invention is best illustrated by the consonant Species I Figs. 1-5 and the generic to the new Claim 23. All the species include:

Species I	Figs. 1-5	Generic to Claim 23
Species II	Figs. 6-8	Generic to Claim 23
Species III	Figs. 9-14	Generic to Claim 23

Concerning Amendment of the Disclosure per 37 CFR §1.143

The Applicant agrees with the Examiner. The invention is generic to new Claim 23 which substitutes for Claim, best illustrated by the elected Species I, Figs. 1-5. The election can be treated without traverse.

Concerning Conditions for Patentability per 35 USC §103(a)

Concerning prior art door closer devices that utilize magnets, particularly Checkovich US 5,592,780, these inventions all require complex components as they are all independently claimed. However, the magnetic invention herein clearly comprises omissions of these many elements to achieve similar results. Other than the magnet (72) applied to the check (22) and the projected surfaces (74) contiguous with said

trigger means (38), no other substantial components are required.

The Examiner will kindly note that the magnetic invention herein was first introduced to consumers as a universal retrofit kit to improve most existing door closers. The kit only includes a cup (70) having projected surfaces (74) and housing a magnet (72); an o-ring fastener (80-A); and check mechanism (22). However, the magnet can also be factory installed by any molded cup built into the closer body, or by any fastener means including compression fit, screws, washers, glue, etc...

Various cup designs have been developed, please see Exhibits 1-3.

Exhibit 1 shows a preliminary inventive plastic cup comprising projected surfaces and a hole to accommodate a magnetic disk (not shown). This universal cup is sold in two sizes, developed to retrofit most existing door closers regardless of the manufacturer.

Exhibit 2 shows an introductory leaflet for a retrofit kit to improve most door closers. Kindly note that the o-ring fastener is only one of several suggested means for installation.

Exhibit 3 shows the various cup designs for the magnetic invention. Kindly note that there are only two common elements for all the designs: the "magnet" and the "projected controlling surfaces".

Finally, the Examiner is asked to kindly consider the following: The magnetic invention herein is only one of several inventions by Alonso that substantially improves reciprocating devices including door closers. All the previously patented inventions only added improvements without ever needing to substantially claim the entire door closer device.

Independent Claim 1 of US 5,829,098 only defines "a reinforcement

plate", for application onto brackets of reciprocating devices.

(Primary Examiner: Mah; Chuck Y.)

Independent Claim 9 of US 5,953,789 only defines "a check mechanism", for usage with reciprocating devices including door closers.

(Primary Examiner: Mah; Chuck Y.)

Independent Claim 6 of US 6,032,331 only defines "an improved trigger", for checks to reciprocating devices including door closers.

(Primary Examiner: Mah; Chuck Y.)

Independent Claim 1 of US 6,397,431 only defines "a spring assembly", adapted to a reciprocating closer device and contingent door.

(Primary Examiner: Knight; Mr. Anthony)

Independent Claim 2 of US 6,640,387 only defines "a damper assembly", adapted to a reciprocating closer device and contingent door.

(Primary Examiner: Knight; Mr. Anthony)

Respectfully, the Examiner must logically confirm that the invention herein comprises only two main elements: a magnet (72) and projected surfaces (74) applied onto a check mechanism (22) for usage with reciprocating devices including door closers (10). The Applicant strongly believes that any further elements to the independent claims would unfairly and unnecessarily position the invention for infringement.

Concerning Amendment of the Disclosure per 37 CFR §1.118

No amendment submitted herein has introduced new matter into the disclosures of the original application filed on March 9, 2004. All amendments absolutely conform to the original disclosures.

Request for Constructive Assistance per MPEP 707.07 (j)

The Applicant has attempted to prepare these amendments as proper and definitive towards defining the novel structure which is also not obvious. If for any reason the Examiner determines that this application is not yet in condition for allowance, the Applicant respectfully requests his constructive assistance and suggestions.

CONCLUSION

Respectfully, the Examiner will therefore determine that the above disclosures are sufficiently evident for the invention as set forth in the application herein. Allowance for the claims as submitted at an early date is requested.

Respectfully submitted,



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